APPLICATION FOR WATER EXCHANGE PERMIT (A.R.S. § 45-1041)

The initial fee for an Application for a Water Exchange Permit is $1,000. Total fees for this application are based upon an hourly billable rate, which can be found on the ADWR web site @www.azwater.gov. If the costs of reviewing your application exceed $1,000, you will be invoiced for the difference, up to a maximum total fee of $10,000. Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Active Management Area Division at 602-771-8500). Checks should be made payable to the Arizona Department of Water Resources. In addition to the hourly application fee, the applicant must pay any review-related costs associated with the application and the actual cost of mailing or publishing any legal notice of the application or any notice of a pre-decision administrative hearing on the application. Review-related costs are: (1) costs associated with a pre-decision hearing on the application, such as court reporter services and facility rentals for the hearing, and (2) mileage expenses for a site visit conducted before issuing a decision on the application. Failure to enclose the initial application fee will cause the application to be returned. Fees for an Application for a Water Exchange Permit are authorized by A.R.S. § 45-1041 and A.A.C. R12-15-103.

Each party who seeks to give surface water, other than Colorado River Water in the water exchange must file a separate application.

Check One:
☐ Specific Use (allows parties to exchange specific sources in specific quantities for uses in specific locations).
☐ General Use (two or more political subdivisions or one or more political and one or more private water companies or Indian communities).

1. Applicant:

Name: ________________________________ Telephone: ________________________________

Mailing Address: ________________________________ City: ________________________________ State/Zip: ________________

2. Parties to the contract (attach additional page if necessary)

Party (A)

Name: ________________________________ Telephone: ________________________________

Mailing Address: ________________________________ City: ________________________________ State/Zip: ________________

Contact Person: ________________________________

Party (B)

Name: ________________________________ Telephone: ________________________________

Mailing Address: ________________________________ City: ________________________________ State/Zip: ________________

Contact Person: ________________________________
**Party (C)**
Name: ___________________________________________ Telephone: ___________________________________________
Mailing Address: __________________________ City: __________________ State/Zip: __________
Contact Person: __________________________________________

3. Name of Active Management Area, Irrigation Non-Expansion Area, Groundwater Basin or Subbasin where the project will be operated. (If more than three parties, attach additional page).

Party (A) ____________________________________________________

Party (B) _____________________________________________________

Party (C) ______________________________________________________

4. Legal right to appropriated surface water and/or legal basis for acquiring and using water each party will give in the exchange (cite right number, law, court decree, contract or other basis). If more than three parties, attach additional page.

Party (A) _______________________________________________________________________________________

Party (B) _______________________________________________________________________________________

Party (C) _______________________________________________________________________________________

5. Each participant in the water exchange receives at least: (check one) ☐ 90% ☐ 50% of the water that participant gives in the exchange. If less than 90% attach separate page, demonstrate why the Director should determine that the water exchange is beneficial to water management in Arizona.

6. Source(s) and amounts of water to be exchanged:

Party (A) Type of Water: ______________ Amount _______ afa To Party_____________________

Party (B) Type of Water: ______________ Amount _______ afa To Party_____________________

Party (C) Type of Water: ______________ Amount _______ afa To Party_____________________

7. If the water exchange involves water pumped from wells, provide well registration number pursuant to the exchange, for each party. (Attach separate page if necessary).

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<tr>
<th>Well Registration Number</th>
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<th>Range</th>
<th>Section</th>
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8. Is any new or increased pumping of a well by the applicant, within an Active Management Area, anticipated pursuant to this water exchange? ☐ Yes ☐ No

9. Point(s) of Diversion if Surface Water:
Party (A) Township____ Range____ Section______

Party (B) Township____ Range____ Section______

Party (C) Township____ Range____ Section______

10. Legal description of the location on the land on which water may be used. (If more than three parties attach additional page).

Party (A) Township____ Range____ Section______

Party (B) Township____ Range____ Section______

Party (C) Township____ Range____ Section______

11. Proposed duration of permit ____________________________________________ (Maximum 50 years).

I (we), ________________________________, the applicant(s) named in this application, do hereby certify under the penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and believe to be true, correct and complete.

Signature of owner or authorized agent ____________________________________________________________________

Title ____________________________________________________________________

Telephone ____________________________________________________________________

Mailing Address __________________________ City __________________________ State __________________________ Zip __________________________

STATE OF ARIZONA

County of ____________________________

Subscribed and sworn to before me this __________ day of ____________________________, 20

Notary Public

My commission expires:

NOTICE

A.R.S. § 41-1030(B), (D), (E) and (F) provide as follows:

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. This section may be enforced in a private civil action and relief may be awarded against the state. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the state for a violation of this section.

E. A state employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the agency’s adopted personnel policy.

F. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.